



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,494	01/12/2004	William D. McKay	RBD-120-A	1986
22440	7590	06/28/2005	EXAMINER	
GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 100160601			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,494

Applicant(s)

MCKAY, WILLIAM D.

Examiner

Shay L. Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7,13,17-19 and 24-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,13,17-19 and 24-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 25, 28-35 (dependent claims 29-33 and 35 do not contain 112 issues but are rejected under 112 since the independent claims 28 and 34 do have 112 issues) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the support means" in line 5. There is insufficient antecedent basis for this limitation in the claim. It should just be "the support".

Claim 7, lines 3-5 read "and further including means carried on the opposed end of the cleaning element for releasably mounting the support means in said slot." This is unclear because it states that the support is mounted in the slot, however it should be that the cleaning element's opposing ends are releasably mounted in the slot. Clarification is necessary (whether written or by drawing) to show how the support is mounted in the slot when the slot is located on the support.

Claim 7, 25, 28, and 34 all state that the opposed ends of the cleaning member are spaced from each other when mounted around the support. The examiner is confused as to how they are spaced from each other when they are actually located right next to each other when mounted in the support. The opposed ends are spaced from each other when the cleaning member is not mounted in the support. Please clarify what the applicant means by "spaced from each other".

Claim Objections

Claim 26 objected to because of the following informalities: page 7, the first line of claim 26 should be removed since it is repeated on page 8. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

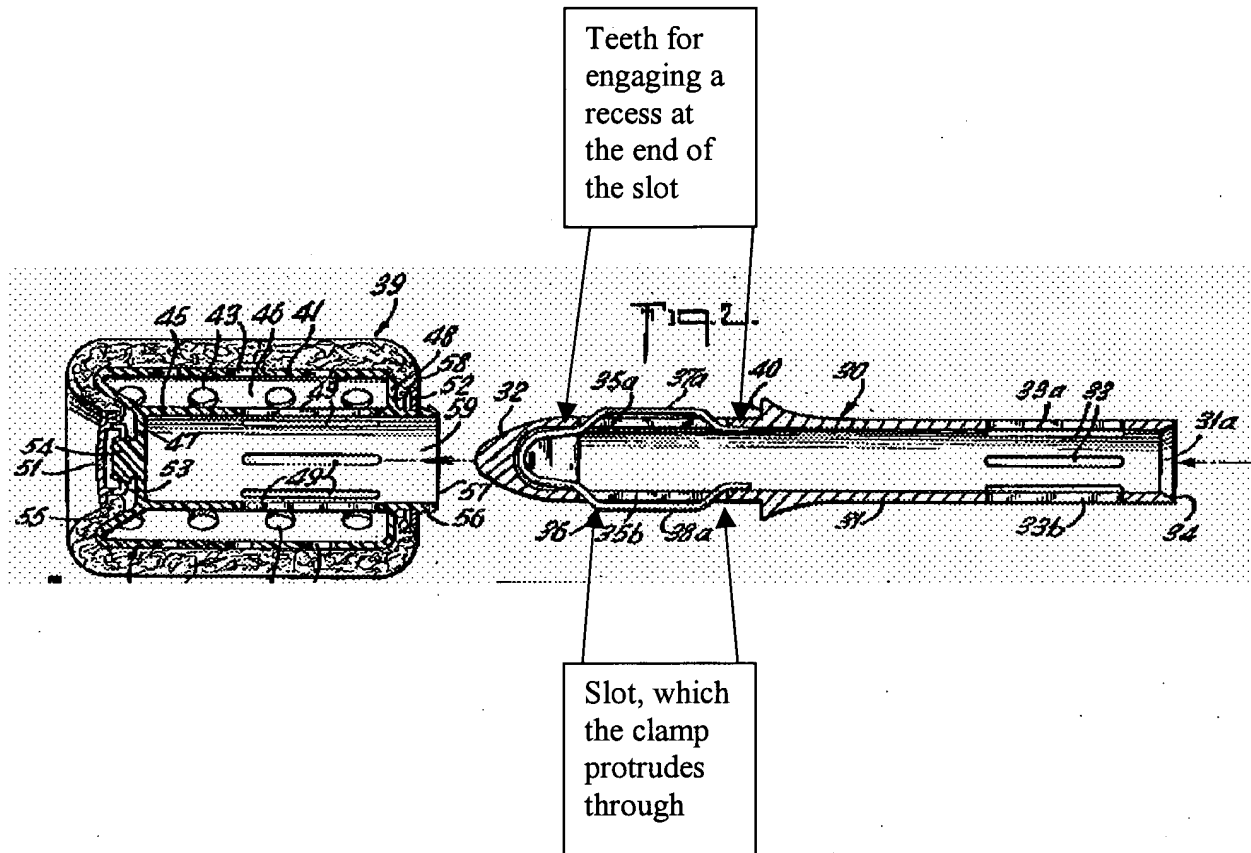
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7, 13, 19, 24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Teren (USPN 3500490).

Teren teaches a cleaning apparatus comprising a cleaning element support (30) for carrying the cleaning element (39) about a sidewall of the support. The support is cylindrical. There is a handle (15) coupled to the support wherein the handle is rotatably coupled to the support. There is a powered drive means (not labeled) carried in the handle having a rotatable output shaft for rotating the support upon activation of the power drive means. There is a clamp means (36) on the support for clamping the cleaning element in a fixed position on the support. There is a slot formed along the support for receiving the clamp means (see figure below). The cleaning element has an exterior surface (41) with cleaning members (42) fixed thereto and radially projecting therefrom. The opposed ends of the cleaning element are spaced apart from each other when the cleaning element is mounted on the support. The cleaning element extends over substantially an entire surface of the support. There is a container (46), which defines the support, for carrying fluid and apertures are formed in the container for dispensing the fluid from

Art Unit: 1744

the container. The clamp means comprises a first and second end (see figure below) for selectively engaging recesses formed at either end of the support slot.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

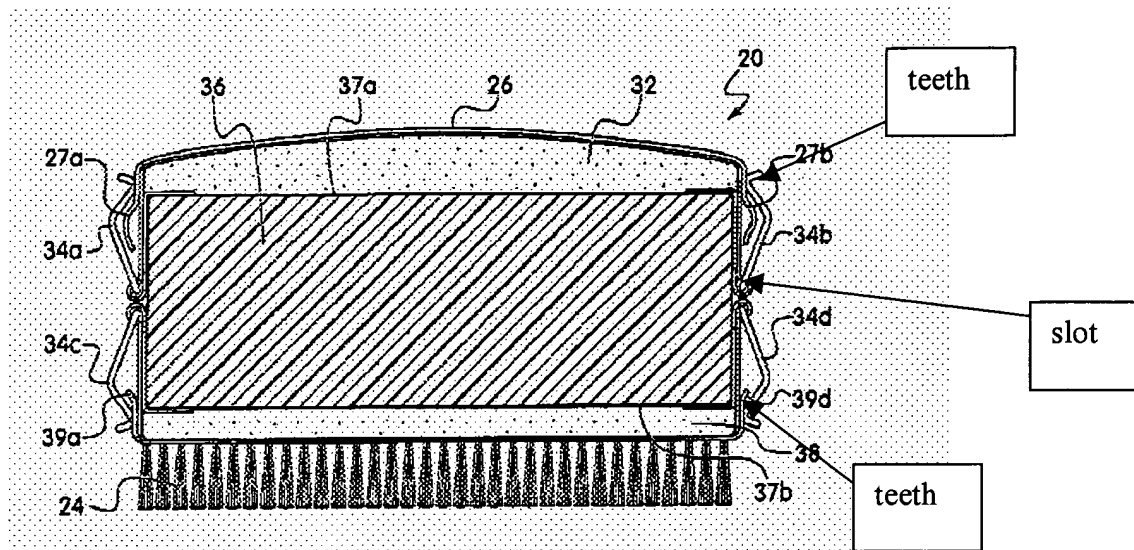
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, 7, 13, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (USPN 5890249) in view of Root (USPN 5870790).

Art Unit: 1744

Hoffman teaches a cleaning device comprising a cleaning element support (36) for carrying the cleaning element about a sidewall of the support. The cleaning element comprises cleaning members (24), which protrude radially from an exterior surface of the cleaning element. There is a clamp means (34a-d) on the support for clamping the cleaning element in a fixed position on the support. There is a slot formed along the support for selectively receiving the clamp means (see figure below). The clamp means is a pivotal member carried on the support that is pivotal between a first and second position. The clamp means is mounted over the cleaning element to fix the cleaning element to the support. The opposed ends of the cleaning element are spaced apart from each other when the cleaning element is mounted on the support. The cleaning element extends over substantially the entire exterior surface of the support.

Hoffman teaches all the essential elements of the claimed invention however fails to teach a handle, which has a powered drive, means to rotate the support. Root teaches a rotating scrubbing brush with a powered drive handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the cleaning head of Hoffman on the handle of Root. Root already teaches using the handle with various types of cleaning heads therefore using the cleaning head of Hoffman on Root's invention would increase the cleaning capabilities and uses of Root's device.



Claims 28-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liebscher (USPN 3755847) in view of George et al. (USPN 6170107).

Liebscher teaches a brush comprising a cleaning element support (11) and a cleaning element (13) removably disposed about the support. There is a slot formed along the support (12) wherein opposed ends (16) of the cleaning element are spaced from one another and are selectively disposed in the slot for securing the cleaning element in a fixed position on the support. The slot includes a running rib for separating the opposed ends of the cleaning element when in the slot. The support is a cylindrical configuration. The cleaning element has an exterior surface with a plurality of cleaning element projections (14) fixed thereto and radially projecting therefrom. Liebscher teaches all the elements of the claimed invention however fails to teach that the brush is attached to a handle. George teaches a brush with a handle having a power drive means for rotating the brush. The handle comprises a spindle, which connects with the support member. Since George teaches using various brushes on the handle for various

Art Unit: 1744

cleaning jobs it would have been obvious to use the brush as taught by Liebscher on the handle of George so as to increase the cleaning capabilities of George's invention. Additionally, it would have been obvious to have Liebscher's brush be mounted on a rotating handle so as to promote powerful, portable scrubbing assistance (George, col. 2, lines 43-44). Using Liebscher's brush in place of the brushes taught by George allows the support to be combined with different cleaning members to produce a multitude of different brush configurations (Liebscher, col. 2, lines 1-9).

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teren in view of Gaines (USPN 3307211).

Teren teaches all the essential elements of the claimed invention however fails to teach an attachment carrying an auxiliary cleaning element mountable on an end of the support. Gaines teaches a rotating cleaning device comprising an auxiliary cleaning element mounted on the end of the support of the rotating brush. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach an auxiliary brush to Teren's support as taught by Gaines so that multiple cleaning operations can be completed without having to change the cleaning member or without having one cleaning member get in the way of another cleaning member (col. 1, lines 20-27).

Claim 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teren in view of Liebscher.

Teren teaches all the essential elements of the claimed invention however fails to teach that the cleaning elements opposed ends are spaced from each other such that a space is defined between the ends and the slot is located along the space. Teren teaches a cleaning member that

Art Unit: 1744

appears to be one cylindrical piece. However, it would have been obvious to make the cleaning member in the manner as taught by Liebscher where there is a seam in the cleaning member since both are common ways of making cylindrical cleaning member. Additionally, as for the location of the seam or space it is just a matter of orientation what the space lines up with and therefore, it would have been just as obvious to line the space with the slot in the support or to line it with any other part of the support.

Allowable Subject Matter

Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 34-35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 32 and 34 both states that the cleaning apparatus comprises a slot in the support and that the opposed ends of the cleaning element are secured in the slot, while a clamp means, positioned on the support, is positioned in the slot over the opposed ends to prevent dislodgement of the end from the slot.

Applicant's Arguments

1. Teren's clamp means does not secure the scouring pad to the tool member.
2. Root does not teach a slot from in the support for receiving the clamp means.

Art Unit: 1744

Response to Arguments

Applicant's arguments, filed 5/9/05, with respect to Root, Gaines, and Lesetar, have been fully considered and are persuasive. The 102 rejections have been withdrawn.

Applicant's arguments filed 5/9/05, with respect to Teren, have been fully considered but they are not persuasive. Examiner notes that the cleaning member (39) in Teren includes the scouring pad (42) and the tool member (44). On figure 2, the cleaning member is the entire drawing on the left side of the figure. The support member is indicated as reference number 30. Therefore the clamps are located on the support member and are used to secure the cleaning member (scouring pad and tool member) to the support.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

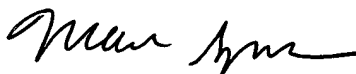
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 1744

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK SPISICH
PRIMARY EXAMINER
GROUP 3400
1700

Slb
6/23/05